

# EL PASO HERALD

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## Assailing America's Judicial System

IF Arizona inserts in her constitution a provision for the "recall" of judges, following the Socialist proposal now being adopted by many Republicans and Democrats, it is almost certain that president Taft will veto the measure. It is impossible to conceive of a man of his judicial training and temperament tolerating such an outrageous violation of the fundamental principles of republican government.

It is probable that the full effect of such a "recall" provision has not been realized by the convention committee, and that the convention as a whole will refuse to make any such radical departure from the well established principles of the fundamental law as applied in the other American commonwealths. Among the officials of state or nation, the judges above all should be safe from interference of popular impulse, and subject only to the calm, deliberate scrutiny of the electorate under laws calculated to promote judicial independence.

The natural and necessary corollary or sequence of such a measure as is proposed in the Arizona constitution, is a popular referendum or initiative to reverse any judgment of any court at any time on motion of a minority acting on impulse and disregardful of consequences.

The proposition to "recall" judges at any time during their term, tends to destroy the independence of the judiciary, and unless one is willing to admit that our whole American governmental system is wrong, such a tendency must be vigorously combated.

Cooperative pumping in this valley means bushels of ready money. Why may it not be possible to create a board of trustees, put a (second) lien on 10,000 or 20,000 acres of land in favor of the trustees to secure the money invested in the central pumping plants, and then divide up among the banks a loan to the trustees of \$20,000 or \$25,000 necessary to put the plants in operation? If a first cost of \$1 or \$2 per acre and a nominal cost of operation and maintenance would absolutely insure a large acreage against the failure of irrigation water from now until the big dam is ready, would it not pay?

## The Natural Result Of Keno

SIX employees of one important El Paso concern were on the carpet in one day as a result of being caught playing keno in Juarez; these men handle money and the warning will naturally be followed by dismissal for the second offense, inasmuch as no business man can trust a keno player in any capacity. The head clerk of another El Paso institution of prominence has been dismissed because the proprietor found that the clerk was playing keno in Juarez—a habit that furnishes prima facie evidence of untrustworthiness.

Business men will do well to keep watch on the games over the river and spot their clerks, employees, and customers; as a matter of self defence they will cut loose from this class of doubtful integrity before the cash drawer is raided or payment on account denied.

"It is about as impossible for a New Mexico politician to do right as it is for the sun to shine at night," says the Deming Headlight. If editor Shakespeare cares to journey into the north some 40 or 50 degrees of latitude, he will find a spot where the sun shines at night, and it is barely possible that he may find there also a politician to suit him—it is doubtful if one can be located in the temperate zone. In the same issue of his paper, referring to chickens, this progressive editor says, "It is unwise to spend money for improved breeds and then give them such poor care that they cannot do well." Maybe that's what ails his politicians.

The El Paso onion is a famous breed, but if you want seed of the El Paso onion to plant you must buy it from Minnesota or east Texas or some other distant point. The seed business offers a big opportunity for somebody in this valley. This is the natural place to produce for the market, acclimated seed of all staple southwestern products.

See the big pigs at the fair if you don't see anything else; they are the real advance agents of prosperity for this valley.

## Clean Methods and Party Pledges

EL PASO and state Republicans have put up a good ticket, meriting the support of independent voters from governor down to the lowest precinct officer. Such methods are bound to have their effect in time; consistently to nominate good, clean, capable men, and to work for them earnestly and honestly, observing all the rules of decent politics and good citizenship, will gradually impress upon the electorate the importance of encouraging a meritorious opposition movement whenever unsatisfactory conditions can be improved by so doing.

Good citizenship must be placed above party, and the good citizen will vote for the best candidates for the various positions, regardless of their party affiliations; if he has participated in party primaries and has taken a pledge, that pledge will be conscientiously fulfilled in all good faith if he votes for a majority of the candidates of his party and votes for certain candidates of other parties whenever they seem to him better fitted for the positions than the corresponding candidates of his own party.

No respectable political organization ever asks or expects party adherents to support unfit men for office against the promptings of the voter's own conscience and judgment. Any man who votes against his own conscience and judgment in favor of an unfit man merely because of participation in a party primary brands himself as a weak character and as a poor citizen, and "party regularity" conserved at such cost ought to be regarded as a badge of infamy by all strict party men who believe in efficient organization to achieve right ends.

The estimate is made that 1000 bales of cotton will be marketed out of the Pecos valley country and vicinity in east New Mexico and west Texas this year, bringing to the growers not far from \$100,000. The average production for the United States is two-fifths of a bale per acre, but around Carlsbad some growers have raised one and one-half bale per acre, bringing something like \$130 to the grower per acre. With anything like that rate of production, cotton even at 10c is a good deal better than alfalfa or any of the grain crops.

The Apache Indians of the Mescalero reservation, N. M., have a mining exhibit at the El Paso fair. Under the tutelage of the agent, Mr. Carroll, the Apaches are turning their hands more and more to productive industries.

## UNCLE WALT'S Denatured Poem

I 'D fain be so successful that people, when I pass, will say: "He's worth a million—he puts up lots of grass!" The men who're worth a million find people bowing low, and there are smiles and greetings wherever they may go. I'd fain be worth a million, and so I'll do my best, to help along the luckless, and comfort the distressed; some portion of my income I'll hand out to the poor, and keep the wolf from howling at some old woman's door. I'll utter no complaints, or moans or useless whines; but pack around the village a mug that fairly shines. I'll stand up strong for virtue—the good old rugged sort; I don't believe in virtue so horribly severe it frowns on all the follies of this old ditty sphere. I'll boost my native village until my wisest reel; I'll keep my shoulders ready to put them to the wheel; I'll knock all day on knocking, and kick the kickers down, and try to be an asset in this three-cornered town. And then I'll hear a murmur from 'precious folk: "That man is worth a million, although he's going broke!"

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One Man

## Two Democrats Against One Republican In Massachusetts

Boston, Mass., Nov. 2.—After several weeks of wrangling and two weeks of deadlock in convention and committee, the Democratic party of the Bay state has at last, by a referendum vote of delegates, conducted by mail, selected Hon. Eugene N. Foss, member of congress and champion of reciprocity with Canada, as its candidate for governor. Mr. Foss and independent nomination papers, and would have run anyway. Frederick S. Mansfield, who was nominated as a provisional candidate by acclamation on the first day of the state convention, declares emphatically he

Federation of Labor. Vahey is opposed by the Fitzgerald contingent, which exercises a powerful influence in state politics. Foss is backed by Martin Lomeney, a Boston Democratic boss, who has the reputation of having more than once carried elections. So it is an interesting situation. Party issues both state and national are largely lost to view in the factional and personal fight of the candidates.

According to some Boston editors, the result of the Democratic convention, ending as it did in a deadlock



GOV. EBEN S. DRAPER, Candidate on the Republican ticket for Re-election.



HON. EUGENE N. FOSS, Democratic nominee.

will not withdraw from Foss. The spectacle is thus afforded of two regular Democratic nominees at present in the field, while Hon. Charles S. Hamlin and James H. Vahey, both of whom aspired to the nomination and have been candidates in other years, may also decide to take out independent papers.

All Serene With Republicans. On the other hand, everything is as serene as a Quaker wedding with the Republicans. Eben S. Draper, present governor, has been nominated for re-election, and with the split in the Democratic ranks is likely to be easily elected. To be sure, he is opposed by a large labor element, but so is Foss. Mansfield, too, has been repudiated by the state president of the American

lasting for over a week, proves the failure of the direct primary system. This system has been in vogue in Massachusetts for about five years and governor Hughes fought for it in New York, with all of Roosevelt's influence thrown in favor of it, but was defeated. It is claimed to be defective in that it enables party politicians to win elections by a minority of votes cast. Prof. Lewis Jerome Johnson says that the system can be remedied by preferential voting. There is no doubt, however, that direct nomination has come to stay. The principle is correct and up to now they have worked well, except in the Lorimer case in Illinois and the governorship case this year in Massachusetts.

## "REVENGE"

(By J. H. Rosny, Jr.)

I HAVE known what hatred means ever since I was a child. At the age when other children play in the sunshine, I roamed about the country alone crying with rage. Years of misery count double and the soul awakens early in the child that suffers and sees others suffering.

My father, who was a farmer, was the tenant of count Narox in Los Landes. He was quite prosperous until the epidemic broke out among his cattle, the same year the rice crop failed and the corn did not ripen from lack of sun. This would have meant nothing had we had a good master, we would have made up for it the following year, but count Narox was merciless. Our poor crop, and all our belongings were sold at public auction.

Nobody understood why the count was so hard on us. My mother was a beautiful woman, I saw her grow pale and thin, as my father cry and I understood nothing of it all, but in my childish mind was born a desire for revenge, undoubtedly a sentiment to which I was predestined.

Our family formerly respected and honored became poverty stricken. The farmer became a workman and my mother and her oldest children had to gather wood in the forest to sell to the peasants.

I was not quite 20 when I left France and went to Argentina, a country with me my hatred of the man who made me strength and courage to undertake the most dangerous enterprises and succeed. In a comparative few years I made an immense fortune. Still a young man, only 35 years of age, I might have enjoyed life, but I could not. There was a vision that haunted my life: that of a poor farmer driven from his house at the beginning of winter by a merciless master, as long as count Narox was living unpunished. I could not enjoy my millions and not one of the dark beauties of Argentina made any impression on my heart.

I obeyed my destiny and returned to France. Thanks to my wealth, my family was honored and respected once more in the village of Narox. I was careful not to let anybody of my return to avoid a public reception which would have been distasteful to me. To get to Narox from the nearest railroad station, you have to take a kind of stage coach with side curtains which in the days of my childhood seemed to me the acme of luxury and comfort. It was driven by an old man the same I had known when I was a boy, for in that country few things had changed in 15 years.

A beautiful young girl arrived in the same train as I. Her beauty was of the kind that once reminds you of Flanders. She had beautiful blue eyes and magnificent bluish black hair, rounded shoulders, a slender waist and an imitable grace of carriage. I was so confused at the sight of her that when she entered the stage I climbed to the box seat and sat down next to the driver, in spite of the burning sun. It was terribly hot, the curtains were

open and when I looked back I could just get a glimpse of her beautiful face.

The driver was an old chatterbox and insisted on talking all the time, though I did not answer a single word. He told me everything about every person living within a radius of 10 miles and the fact that he was half drunk and undoubtedly had recognized me, did not help to make him less talkative.

From him I heard all about the man I hated, count Narox, who had been immensely wealthy, was now poor and sick. An attempt to recover his lost estate had failed, his wife and sons were dead, and he was now a beggar who had done the driver's ruin by riotous living and reckless gambling in Paris, had left him and he was now miserably alone.

"One daughter only, the youngest, sticks to her father and brightens his last days, and that is the young girl sitting behind us just now," he added in a whisper.

"She is count Narox's daughter," I exclaimed.

"Yes, that is Genevieve, his youngest child. She has been away to visit her aunt, but her father is sick, so that is why she is coming back to take care of him. All the others are in Paris."

Turning around to look at his fair passenger the old man dropped the reins which fell down and he and the horses who began to gallop madly down the road, I had just time to save myself by jumping, when the coach went over the mountain side, crashing into the river fully 200 feet below.

I could see the driver lying motionless on the river bank and was trying to discover what had become of the girl, when a cry attracted my attention and I saw Genevieve clinging to a tuft of grass a hundred feet below, her body swaying in the air and her big blue eyes staring at the with an expression of deadly terror.

I held the means of revenge in my hands. The bitter hatred that had been seething in my heart for more than 20 years flared up with fresh vigor when I saw with my own eyes the agony of my enemy's beloved daughter.

An atrocious and at the same time delicious vision appeared to me: I saw myself bringing to this king Lear the news of his daughter's death. I enjoyed his intense grief and despair. I lived over again the day when he had thrown us out of our home, our first night spent in a barn, our misery, our many days of cold and starvation.

In two minutes, I have been told, a dying man may live over again his whole life, one second was enough for me. I crawled down the steep mountain side, clinging to every root, every tuft of heather, every projecting rock, down towards the frail young creature whose sacred eyes followed my every movement. I told myself I was going to loosen the grip of her slender fingers and enjoy the sight of body falling to the rocks below, and my heart was beating with joy of my revenge.

I reached her, stretched out my hand and got hold of her trembling body. I was about to hurl her down when

## Breaking Up Of the Parties

IX—CONGRESSIONAL CAMPAIGNS.

THE Whig landslide of 1840 which elected "Tippecanoe and Tyler too" gave the Whigs a large majority of the house of representatives, but like the popular Whig following it was united in nothing but opposition to Van Buren and the pre-Harrison type of Democracy. General Harrison died after only a month in the white house and was succeeded by John Tyler, a Calhoun Democrat whose refusal to support Van Buren was based not upon his sympathy with Clay and other Whig leaders, but upon the fact that Van Buren was too much of a loose constructionist. The Whig majority passed a bill chartering a national bank. Tyler vetoed it. Another bill was drawn to meet the objections of the president, but he vetoed that also. The Whigs denounced him, and in the "off" year election of 1842 the Democrats won a sweeping victory and gained control of the lower house of congress by a majority of two to one.

## Texas Becomes an Issue.

The slavery question was becoming more and more acute, sectional strife was becoming more and more bitter. But neither party was willing to take a stand on this all important question. The abolitionist party made its appearance in 1840, but its candidates received only a few votes. In 1842, 7,000 votes. President Tyler favored the annexation of Texas, which would add to the slave territory. The Texas question became the principal issue. As the campaign of 1844 approached it seemed that James K. Polk and Van Buren would be the leaders of the two parties. They met at Lexington and agreed to keep the Texas question out of the presidential campaign. That action cost Van Buren the Democratic nomination, for while he had a majority of the delegates he could not get the necessary two-thirds, and by grace of Andrew Jackson, then virtually on his death-bed, James K. Polk was nominated by the Democrats at Baltimore.

Polk received the Whig nomination. He weakened himself materially by writing to an Alabama Whig that he had no personal objection to the annexation of Texas. Polk materially strengthened himself by demanding the complete occupation of Oregon to the northernmost boundary, and his slogan of "Fifty-four forty or fight" was as compelling in its alliterative lure as was the "Tippecanoe and Tyler too" of four years before. The Liberty Unionist party polled more than 65,000 votes of which 15,000 were cast in New York. Had these votes gone to Clay he would have been elected. But even yet the sectional issue was not clearly drawn. Polk and Clay were both slaveholders and slaveholders. Polk failed to carry his own state of Tennessee, the only time a successful presidential candidate ever failed to get the electoral votes of his own state. He did carry many northern states, however—Illinois, Indiana, Maine, Michigan, New Hampshire, New York and Pennsylvania. Clay carried five slave states—Kentucky, Tennessee, Delaware, Maryland and North Carolina.

## Make Changes In Congress.

Yet in the congressional elections of 1846 the people refused to elect a party with Mexico and slaveholders. Polk failed to carry his own state of Tennessee, the only time a successful presidential candidate ever failed to get the electoral votes of his own state. He did carry many northern states, however—Illinois, Indiana, Maine, Michigan, New Hampshire, New York and Pennsylvania. Clay carried five slave states—Kentucky, Tennessee, Delaware, Maryland and North Carolina.

## Parties Lose Prestige.

Times had changed since the old Democratic party had broken up and the new democracy had been born fighting the new Whig organization. In those days the Democrats had been the progressive radicals, the Whigs were the conservative forces. But for many years John Quincy Adams, chief of the conservative forces in 1824-8, was advancing radicalism in the house of representatives. The radical party of Jackson had become conservative. Calhoun, who Jackson had once had hanging over his head, now had become the patron saint of southern Democrats and Whigs alike. The union appeared to be doomed to disruption.

## Sectionalism Grows.

Congressional elections, however, began to take on more and more the coloring of sectionalism. Even the election of several prominent New York Democrats, who had supported Van Buren for the nomination, advised the people to vote for Polk, but at the same time to elect members of congress opposed to annexation. Clay, the President-elect, was now a compromise of 1850 and Webster in his speech of the seventh of March, and these things were to write the death warrant of the Whig party.

Tomorrow—Formation of the Republican party.

The "off" year of 1846 was a revolutionary one in politics in all parts of the union, but in New York especially the partisan and factional warfare was bitter. Many old members of congress retired, others were defeated at the polls, often by an independent candidate bearing the same party label.

Early in Polk's administration the Democratic split became sufficiently wide to make a factional name necessary. Those who supported the administration, who favored the annexation of Texas, who heartily supported the Mexican war measures and who were, in short, "northern men with two soft arms threw themselves around my neck and I felt her heart beating against mine.

southern principles" were known as "Hunkers." The Van Buren men, the anti-Texas men, the "radical" Democrats were likened by the regulars to men who would burn their barns to clear them of rats. Thus the Van Buren men came to be known as "burnburners." The warfare between Hunkers and Burnburners brought to the front many young Democrats theretofore unknown, and these almost without exception were Burnburners. Chief among these was Samuel J. Tilden. Another leader of the Burnburners was Silas Wright, who refused the nomination for vice-president in 1844 because Van Buren had been defeated, his refusal being the first private message ever sent by telegraph. John A. Dix and John Van Buren were the practical politicians of the Burnburner faction, and were opposed by William L. Marcy and Daniel S. Dickinson of the "Hunker" forces.

In 1848 the Burnburners expanded into a national party, took the name of Free Soilers and polled nearly 300,000 votes. The important feature of the movement was, however, that in 1848 the Free Soil Van Buren ticket polled a greater vote in New York state than the regular Democratic ticket headed by Lewis Cass, thus giving the electoral vote of the state to the Whig candidate, general Zachary Taylor. Cass had a electoral votes, Taylor 163. New York cast 25 votes and, therefore, in that year was a pivotal state, indeed.

## Clay's Last Compromise.

The Whigs again had turned down their great leader Clay when victory seemed to be in sight. Taylor was from Louisiana and he was a hero of the Mexican war. He was a pro-slavery southerner. Whigs and Democrats both agreed to support him. The Whig nomination of the Whig leaders trusted to the judgment of political trimmers and trusted to luck to choke the opposition of the "Conscience Whigs" of the north. Taylor died after serving 15 months and was succeeded by Millard Fillmore. Under this last Whig administration the great Whig leader Henry Clay was to make the last of that long line of compromises which he always conceived in the belief they would change the party and advance its own interests, as well as those of the nation; but which in fact always arose to confound and destroy both Clay and the party he had founded.

A measure was pending in congress in 1848 to appropriate money to purchase certain territory from Mexico, a part of the peace proceedings. David Wilmot, a Democratic member of congress from Pennsylvania, proposed an amendment providing that slavery should be excluded from any territory so purchased. Wilmot was a Democrat of the Van Buren following and in New York would have been known as a Burnburner. Around this Wilmot proviso surged the storm engendered by the opposition to the extension of slavery in the territories. It was to be, eight years later, the rock upon which the Republican party built its new temple. The Bryant declaration by the war with Mexico and in 1844, the Van Buren congressmen in 1844, the Van Buren dissection and the war between Hunkers and Burnburners, the action of David Wilmot, the Democratic split of 1848—these things operating within the Democratic party, presented not only the great split of 1860, but they afforded the opportunity for establishing a new party. The compromise of 1850 and the ill-starred career of the Taylor-Fillmore administration meant the breaking up of the Whig party. The times were ripe for a new party and a political revolution. The conscience Whigs and free soil Democrats of the north demanded a party to represent their views, even if they had to build a new one.

There was no hope in the Democratic party because it was controlled by a combination of southern slave holders and northern manufacturers which seemed to be all-powerful. There was no hope in the Whig party, for it had proved itself to be the inefficient and incapable creature of expediency. Clay and Webster had been radical once—Clay when he brought on the war in 1812, Webster when he replied to Hayne—but now both were old and inclined to be conservative. Both were yet to make their final appearance on the stage of political history with the compromise of 1850 and Webster in his speech of the seventh of March, and these things were to write the death warrant of the Whig party.

Tomorrow—Formation of the Republican party.

## 14 YEARS AGO TO-DAY

(From The Herald of this date, 1896)

Mrs. W. T. Kitchens is quite ill. H. C. Ross has returned from an eastern trip.

Miss Early Barlow has returned from Yuleta.

J. J. Roby and family expect soon to move to Silver City, N. M.

George E. Bovee returned this morning from the republic in time to vote at home.

George E. Leving has returned from Chicago, also to vote at home.

Capt. J. D. Slocum is up from Corralito, the guest of Mr. George Bovee.

Wm. H. Harper of the San Luis mines, Colorado, is in town visiting with his brother, George Harper.

Mr. and Mrs. William Rheinheimer of Syracuse, N. Y., are in the city visiting their son William, and will spend the winter.

Ed. Kneeland and Miss Lucy Kneeland arrived this morning from Sabinal.

Alderman Del Buono wants the city charter changed so that the mayor will

## Abe Martin



Miss Fawn Lippincott put on her hobble skirt this afternoon and started for the theater at 5 o'clock. Political floggers gather no moss.

## LETTERS To the HERALD

(All communications must bear the signature of the writer, but the name will not be published where such a request is made.)

## SCHOOL EXHIBIT CRITICISED.

I want to protest against the new method of displaying the school exhibits at the fair this year. The most important thing to every parent is to find his own child's work and the way the exhibit is arranged is impossible, so that many parents are there to be disappointed. We are all interested generally in the schools, of course, but every parent looks particularly for his own child's work and ought to be able to find it in less than half a day without a guide.

## KELLY WILL RUN FOR MAYOR IN 1911

Not Believed That There Will Be Any Changes in Official Family.

From the way things look now, there is no going to be any great political upheaval in the spring elections. Mayor Kelly will be a candidate for reelection, it is known, and it is not believed that any change in any of the other elective offices is contemplated at present. There will certainly not be any change among the elective officials, according to current report, although after the election the mayor may feel at liberty to drop a few of the appointive ones. The present mayor and city councilmen have been working together without friction and it is not believed that we or the men behind him have been contemplating any change. All the aldermen have been active men in their official capacities and they are also well connected in the way of getting votes, having men of various political complexions and religious and prominent in their respective circles.

Opposition to "the ring," while it developed in the county election, was pretty well crushed, and the crushing process will be so thoroughly completed when the mayor is elected that the "opposition" will be forced to get a very good lesson. Then, too, so much of the "opposition" has been taken into camp—Joe Nealon is district attorney, Joe Escalada is slated to be chief deputy sheriff, Will Mitchell is in charge of the county jail and may stay there, and so on down the line—that there is not much material left to put up a fight. And the men who were turned out to make room for the others are not very mad about it, according to the way things look. While the ring had to put Howe out to take in Nealon, the Burges brothers will no doubt see that Howe is taken care of somewhere else, so that there will be no trouble from him, and it is so in most other cases; the ring bosses have done the decapitation act so cleverly that it did not leave much of a sore spot. This is not the case with F. J. Hall, but I am sure of a ring man, they "just have" to teach him a lesson and may leave his deputies out in the cold for a year or so to teach them which side of their bread is buttered.

It is a safe prediction that the Hall deputies will be "taken in out of the wet" before another campaign, and if things do not change mightily, the ring is going to be on a stronger footing next spring than it has been for a long time.

Mayor Kelly has not been in office very long, but there has been no open opposition to him as yet and it is not believed that the opposition, if any, will crystallize before the April election. Mayor Kelly has one advantage over many other politicians—he will never be assailed for failing to live up to promises, for Kelly never makes a promise unless it is to his constituents and coworkers; he never talks enough outside the inner circles for anybody to accuse him of having "gone back on his word."

The high school and Sunset Route teams crossed bats yesterday at Sportsman's park. Duane's pitching was a feature and the high school won, 8 to 5.

The water company has fixed up its new office in the Mills building under superintendent Watts has set a water gauge in the window so the public can see the pressure in the mains.

The Bank saloon resumed business this morning. The management and furniture will be the same, but the whisky will be of a higher grade.

Consul and Mrs. M. Buford will give a social box next Friday night at the Juarez Casino, which quite a number of people from this side will attend.

Edward Caples has accepted a position in Harper's book store as clerk.